

REMARKS

This Amendment supplements Applicant's previous Amendment filed in response to the Office Action having a mailing date of April 3, 2007.

Claims 3, 17 and 22 have been amended. Claim 37 has been cancelled. No new matter has been inserted. Claims 3-17, 19-28 and 30 and 32-36 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Applicant incorporates by reference the extensive comments regarding Edwards and Wessel from its previous Amendments in their entireties. Many of the physical differences, as well as fundamental differences in operation and function, between Applicant's invention and the devices in Edwards and Wessel were noted in Applicant's previous response.

In addition, Applicant notes the following non-limiting differences in Applicant's independent claims that are not disclosed or presented in Edwards or Wessel.

Edwards:

Edwards' audible/verbal instructions are for the limited purpose of using the Edwards spirometer.

Edwards fails to teach of any prompting messages for initiating use or for programming any set periods for initiating prompting messages. Edwards also fails to teach of verbal messages relating to measurements performed from use of the medical apparatus and for providing verbal encouragement messages based on such measurement readings.

Applicant's invention initiates, prompts and encourages timely use of the medical apparatus through automatically generated verbal messages without the presence of ancillary medical assistance to perform any normal ancillary task. Edwards fails to teach these claimed features.

As mentioned above, Edwards does not prompt a user to initiate use or begin using the spirometer. The claims state to "prompt the user to initiate use of said medical apparatus". This claim language shows that Applicant's claimed invention on its own, automatically begins

prompting the user to use the medical apparatus as needed (i.e. programmed timed intervals). Edwards only provides certain verbal instructions on how to use the medical apparatus after the user or other individual, on his or her own, has activated, calibrated or recalibrated the medical apparatus. Edwards does not prompt the user to activate or initiate use of the medical apparatus.

Accordingly, Applicant respectfully submits that Edwards fails to disclose Applicant's claimed invention.

The Wessel claim rejections.

Wessel only teaches providing rewards through a visual display, without any predetermined voice guidance taught being part of the Wessel device itself.

Wessel's device does not provide self-contained verbal instructions, as claimed by Applicant, for prompting the user to initiate use of the device and for guiding the user during the use of the device.

All of the above noted deficiencies of Edwards also apply to Wessel.

Wessel does not disclose providing audible verbal instructions or prompts, as claimed by Applicant. Wessel is actually silent regarding the device providing audible verbal instructions or prompts. No verbal communication is provided by Wessel. Wessel only displays visual text messages.

Wessel does not provide audible verbal instructions to prompt, initiate, guide and encourage use of a medical apparatus, such as a human voice contained within the apparatus as claimed by Applicant. Wessel is limited to visual displays.

Wessel's device fails to fall under any of the medical apparatus categories listed in Applicant's independent claims.

Wessel also fail to verbally indicate any readings, results or measurements obtained through use of the Wessel device. Rather, the readings, results and/or measurements are only visually displayed.

Wessel also does not have an audio storage or audio response unit where audible verbal messages are stored. Wessel provides no audible, verbal instructions, guidance, prompting, encouragement or teachings to a user for using the Wessel device.

Additionally, as the Wessel messages can be sent from a remote location, the Wessel device itself does not decide which message to select from a plurality of stored messages and is not a self contained unit, as claimed by Applicant.

Applicant's claimed invention significantly differs from Wessel as it provides a novel method and system incorporating a self-contained electronic assembly component to replace ancillary medical assistance normally associated with the medical apparatus.

In certain claims, Applicant's claimed invention claims a gauge for determining measurements and triggers audible verbal messages to the user based on the user's performance measurements. Wessel, as well as Edwards, fails to teach or disclose these claimed features. Accordingly, the claims discussing a gauge are also not shown by Wessel.

The Wessel patent also does not on its own automatically begin prompting the user to initiate use of the medical apparatus. Applicant's claimed electronic assembly uses a single microcontroller unit to perform all functions. To the contrary, Wessel requires a first processor 95 for processing information regarding the glucose readings and a second processor 130 for controlling the visual reward to provide the user.

Wessel also teaches away from replacing ancillary medical assistance, as it describes a live human (doctor, nurse) receiving the glucose score at a remote location and then remotely sending a message based on such score. Col. 4, lines 8-34; Col. 14, lines 15-22.

Applicant's electronic assembly, which includes the audio response unit, is claimed as being self-contained. Applicant's verbal messages are stored and produced from the electronic assembly without any further remote signal or transmissions. Wessel fails to disclose this claimed feature.

Accordingly, Applicant respectfully traverses all rejections based on Wessel and/or Edwards and respectfully requests that such rejections be withdrawn.

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Page 16 of 16

In response to the Interview Summary, Applicant respectfully incorporates by reference the Examiner's comments expressed in the Interview Summary, which accurately describes the subject matter of what was discussed during the Telephone Interview.

In view of the above, Applicant respectfully requests that the Examiner withdraw all objections and rejections. Favorable action is respectfully requested.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 503180.

Respectfully submitted,

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